

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2004_0179A
Tatsuki NOGIWA et al. : **Confirmation No. 5037**
Serial No. 10/772,355 : Group Art Unit 2894
Filed February 6, 2004 : Examiner David E. Graybill
SUBSTRATE HOLDER, METHOD FOR : **Mail Stop: AMENDMENT**
PRODUCING SUBSTRATE HOLDER, AND
METHOD FOR PRODUCING MOLD

RESPONSE TO OFFICE COMMUNICATION OF JULY 27, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 27, 2009 the Examiner issued a communication informing Applicant that Applicants' traversal of a Notice of Nonresponsive Amendment that was mailed on March 5, 2009 was deemed persuasive. However, a reply filed April 6, 2009 was not considered fully responsive as it was considered to fail to include a complete and accurate record of the substance of the interview of October 29, 2008. This position by the Examiner is respectfully traversed. The response that was filed December 10, 2008 fully reflects the requirements of the Office in summarizing the interview of October 23, 2008. There was no interview on October 29, 2008.

It is further noted that it is the reply that was filed on April 6, 2009 that is not considered to be fully responsive. However, the reply of April 6, 2009 was in response to the Examiner's Notice of March 5, 2009. The Notice of March 5, 2009 alleged that the reply of December 10, 2008 was nonresponsive, and this notice was in fact fully responded to in the reply of April 6, 2009. Thus the reply filed April 6, 2009, which is considered non-responsive, was in fact fully responsive to the paper to which it was responding.

Applicants will nonetheless try to address the apparent concerns of the Examiner.

The Examiner first alleges that the record is inaccurate because the statement "The Examiner had no comment with respect to these changes" is incorrect. However, this is

Applicants' recollection of the discussion during the interview. If the Examiner has a different recollection of the substance of the interview, the Examiner is welcome to add the Examiner's recollection to the record. But even if applicants' statement was inaccurate, it is nonetheless a statement, and thus responsive to the requirement to summarize the interview.

Regarding the other points raised by the Examiner, the following is noted:

- A. There was no exhibit shown or any demonstration conducted.
- C. The prior art that was discussed were JP 7074497 and Kuhns, U.S. Patent Publication 2004/0119593, discussed on page 16 of the response.
- D. Applicants' recollection is that the principal proposed amendments were those as were made to claims 27 and 44 in the response filed December 10, 2008.
- E. Applicants' recollection is that the general thrust of the principal arguments of the applicant and the Examiner are as set forth on pages 16-19 of the response filed December 10, 2008.
- F. No other pertinent matters were discussed.

Respectfully submitted,

Tatsuki NOGIWA et al.

/Nils E. Pedersen/

By 2009.09.28 13:52:35 -07'00'

Nils E. Pedersen
Registration No. 33,145
Attorney for Applicants

NEP/krq
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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